

representing Local 760 and three persons representing Standard. This method of adjustment is consistent with national policy declared at 29 U.S.C. § 173(d).

5. The Inside Agreement at Sections 13.01 and 13.02 provides that Standard will deduct from the pay of employees, dues and other sums which are to be forwarded to Local 760. A grievance protesting the failure of Standard to forward to Local 760 was submitted to Standard by Local 760 through the grievance procedure but they were unable to resolve the grievance.

6. The grievance was then presented to the Labor Management Committee which issued a decision in connection with the dispute which had arisen over the action of the failure of Standard to forward to Local 760 the sums deducted from the pay of employees. The decision stated as follows:

The East Tennessee Chapter, NECA committee for Labor-Management in Knoxville unanimously agrees that Standard Electric Company is in direct violation of the Inside Collective Bargaining Agreement. The committee also is unanimous that Standard is to make the employee(s) and funds whole in each and every way.

7. Standard had ample opportunity to present evidence and argument to the Labor Management Committee, and no fraud or procedural impropriety played any part in its decision.

8 The Labor Management Committee made a reasoned decision based upon the terms of the Inside Agreement and the evidence and argument presented, it carefully reviewed all such evidence and argument, and acted within its authority as a result of which the decision is a contractual interpretation of the Inside Agreement.

9. Standard has failed and refused to implement the decision by the Labor Management Committee and has deliberately violated the decision through failing and refusing to act as directed. At the time this civil action is filed, Standard has not forwarded to Local 760 the dues and other sums deducted between October 2017 to the present and submitted to Local 760 a

check for amounts deducted between October 2017 to March 2018 which was not honored by the bank due to insufficient funds.

10. The action of Standard has resulted in damages to the employees, including lost wages and use of those wages.

WHEREFORE, Local 760 requests the following relief:

- (a) A judgment confirming the decision by the Labor Management Committee and directing Standard to implement the decision.
- (b) A judgment for damages suffered by the Local 760 and employees of Standard; and
- (c) For such further or different relief as the Court may deem proper or just.

Respectfully submitted,

/s/ R. Jan Jennings
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